

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

United Air Lines, Inc.

United Air Lines Maintenance  
Operations Center  
SFOMP-Building 49, San Francisco  
International Airport  
San Francisco, CA 94128-3800

ID No. (CAD 041 319 294)

Respondent.

Docket HWCA 20071286

CONSENT ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and United Air Lines, Inc. (Respondent) enter into this Consent Order and agree as follows:

1. Respondent generates, handles, stores, and treats hazardous waste at the United Air Lines Maintenance Operation Center ("UAMOC"), a multi-building complex located at the San Francisco International Airport consisting of at least sixteen major buildings, nine associated hangers and docks, and various other areas used for the accumulation and treatment of hazardous waste (Site).
2. The Department inspected the Site on October 16, 17, and 18, 2006.
3. The Department alleges the following violations:
  - 3.1 On or about October 18, 2006, Respondent violated title 22,

California Code of Regulations (CCR) section 66262.34(e)(1) in that the following containers (satellite accumulation) were missing information on their labels.

3.1.1 One 55-gallon container of "flammable liquids" (paint waste) in Building 49 paint room was missing the initial accumulation start date.

3.1.2 Approximately thirty 55-gallon containers of used oil containers, and containers of flammable solids, oily debris, oil filters, solvent rags, and aerosol cans located in Building B29 had labels which did not include the name and street address of the person generating the waste.

3.2 On or about October 18, 2006, Respondent violated 22 CCR section 66261.7 in that approximately 30 empty containers that once held hazardous materials or wastes were not marked with the date emptied. Empty containers were noted in the barrel yard and behind Building 68 along the fence line.

3.3 On or about October 18, 2006, Respondent violated 22 CCR section 66262.34(f) in that two containers of "expired chemicals" located in the barrel yard were labeled with their contents only as "expired chemicals."

3.4. On or about October 18, 2006, Respondent violated 22 CCR section 66273.14 in that the following containers and universal waste electronic devices were not properly labeled or were noted as lacking labels:

3.4.1 Two 5-gallon containers of mercury switches in the barrel yard had unlabeled exteriors.

3.4.2 Approximately 12 CRTs, 14 electronic devices, and 1 box of electronic device circuit boards located in Building 30 were not labeled.

3.5 On or about October 18, 2006, Respondent violated 22 CCR,

Chapter 23 in that various universal wastes and CRT wastes located in Building 30 were not properly stored, managed, or labeled. Approximately 12 CRTs, 14 electronic devices, and one box of miscellaneous components were noted in this building without having those devices contained, placed in containers, or set on pallets to prevent breakage.

3.6 On or about October 18, 2006, Respondent violated 22 CCR section 66262.34(e) in that two containers of "flammable solids" were noted stored in the same satellite accumulation area in Building B29.

3.7 On or about October 18, 2006, Respondent violated 22 CCR section 66262.34(e)(3) in that approximately 175 containers of "flammable solids" that were originally accumulated in satellite accumulation areas were consolidated and re-labeled only with the date of consolidation, not the oldest original accumulation start date as well as the date filled.

3.8 On or about October 18, 2006, Respondent violated 22 CCR section 66265.31 and 66265.193(c)(3) in that Respondent failed to maintain the facility in a manner that minimizes the possibility of a release by failing to remove standing liquid from secondary containment at the tank located behind the solvent still and in the barrel yard beneath the shredder bin storage area.

3.9 On or about October 18, 2006, Respondent violated 22 CCR section 66262.34 and California Health & Safety Code (HSC) section 25201 in that Respondent stored hazardous waste without a permit or authorization. Wastes in the bottom of two chrome plating tanks had remained in the tanks for approximately 8 months after the tanks had been removed from service. Title 22 CCR section



66261.4(c) allows for un-permitted storage in the unit for only 90 days after they cease to operate.

3.10 On or about October 18, 2006, Respondent violated 22 CCR section 66265.192 and/or section 67450.3(c)(9)(F) in that Respondent was unable to demonstrate that the following tanks holding hazardous waste had been assessed pursuant to section 66265.192(a).

3.10.1 All tanks in FTU-001 tank system, including the sump, equalization tanks, DAF unit, clarifier and filter press;

3.10.2 All tanks in FTU-002 tank system including neutralization tanks, precipitation tanks, sludge tank, and filter press;

3.10.3 Used oil tank (approximately 275-gallons, poly tank) located outside Building 83.

3.10.4 Coolant/trimsol tank (approximately 300 gallons, poly tank) located in Building 83 machine shop;

3.10.5 Tri-chambered Jet Fuel/clean solvent/dirty solvent tank located in the fuel farm.

4. A dispute exists regarding the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action

concerning other violations. In particular, nothing in this Consent Order constitutes a release or satisfaction of Respondent's ongoing obligation to ensure that the tanks holding hazardous waste set forth in section 3.10 above are compliant with title 22, CCR, sections 66265.192 and 66265.193.

9. Respondent does not admit the violations alleged above, except Respondent admits as follows: Respondent admits the facts alleged for the purposes of any subsequent action brought pursuant to the Hazardous Waste Control Law, Health & Safety Code section 25100 *et seq.* within five years of the date the violations occurred.

#### SCHEDULE FOR COMPLIANCE

10. Respondent shall comply with the following:

10.1 Violations noted in paragraphs 3.1 through 3.10.4 of this order have been corrected.

10.2 Within 90 days of the effective date of this order, Respondent shall complete a tank integrity and secondary containment assessment for the Jet Fuel/clean solvent/dirty solvent tank located in the fuel farm, as noted in paragraph 3.10.5 of this Order. The assessment shall be conducted in accordance with the requirements found in title 22, CCR, section 66265.192. Within fifteen (15) days of completion of the assessment, Respondent shall submit to the Department the written assessment.

10.3. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826-3200

Richard Driscoll, Esq.  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street, 23<sup>rd</sup> Floor  
Sacramento, CA 95814

10.4 Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

10.5 Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

10.6 Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

10.7 Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Consent Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area



or to the environment, the Department may order Respondent to stop further implementation for such period of time as needed to abate the endangerment. Any deadline in this Consent Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

10.8 Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

10.9 Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Consent Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Consent Order.

10.10 Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Consent Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Consent Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Consent Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Consent Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Consent Order.

10.11 Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 10.2, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

10.12 Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to



this Consent Order are incorporated in this Consent Order upon approval by the Department.

10.13 Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10.14 Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

10.15 Stipulated Penalties: In the event that Respondent fails to timely complete the tank integrity and secondary containment assessment, as specified in paragraph 10.2 hereof, Respondent shall pay stipulated penalties to DTSC in the amount of five hundred dollars (\$500) per day for each day of delay.

#### PAYMENTS

11. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$85,000, of which \$81,300 is a penalty and \$ 3,700 is reimbursement of the Department's costs. Respondent's check shall be made payable to Department of Toxic Substances Control, shall contain the docket number of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826-3200

To: Richard E. Driscoll, Esq.  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street, 23<sup>rd</sup> Floor  
Sacramento, CA

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### OTHER PROVISIONS

12. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

13. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

14. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to

individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

15. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

16. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

17. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Dated: 24 October 2007 By: Rich P. Franzen  
Its: Assistant General Counsel

UNITED AIR LINES, INC.

Dated: 1 Nov 2007 By: Charles A. McLaughlin  
Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Enforcement & Emergency Response Program  
Department of Toxic Substances Control

DEPARTMENT OF TOXIC SUBSTANCES  
CONTROL